



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 21, 2003

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-95 Reynolds v. Bement, S115823. (B158966; 107 Cal.App.4th 738; Los Angeles County Superior Court; BC226353.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Can the officers and directors of a corporate employer personally be held civilly liable for causing the corporation to violate the statutory duty to pay minimum and overtime minimum wages, either on the ground such officers and directors fall within the definition of “employer” in Industrial Welfare Commission Wage Order 9 or on another basis?

#03-96 Sierra Club v. California Coastal Com., S116081. (A100194; 107 Cal.App.4th 1030, mod. 108 Cal.App.4th 574a; San Francisco County Superior Court; 315686, 318780.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case includes the following issue: Can the California Coastal Commission consider the environmental impacts of development outside the coastal zone when analyzing a project that straddles the coastal zone?

#03-97 People v. Burroughs, S116659. (D039544; 108 Cal.App.4th 728; San Diego County Superior Court; SCD146628.) Petition for review after the Court of Appeal reversed an order entered on revocation of probation in a criminal action. The

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court ordered briefing deferred pending decision in People v. Arnold, S106444 (#02-92), and People v. Jeffrey, S105978 (#02-93), which present the following issue: Does a defendant's waiver of Penal Code section 2900.5 custody credits at the time probation is imposed apply to a future term of imprisonment in the event probation is revoked?

#03-98 People v. Spradley, S116445. (B154544, B160827; unpublished opinion; Los Angeles County Superior Court; KA051184.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in (1) People v. Mosby, S104862 (#02-73), which concerns whether the trial court's failure to expressly advise defendant of his constitutional rights and to obtain a waiver of those rights before accepting his admission to a prior conviction allegation was reversible error; and (2) Warrick v. Superior Court, S115738 (#03-90), which concerns whether a criminal defendant must provide "a specific factual scenario establishing a plausible factual foundation" for allegations of misconduct by law enforcement officers in order to obtain discovery of peace officer personnel records under the applicable statutory provisions. (See Evid. Code, §§ 1043-1045; Pen. Code, §§ 832.7, 832.8; City of Santa Cruz v. Municipal Court (1989) 49 Cal.3d 74; Pitchess v. Superior Court (1974) 11 Cal.3d 531.)

DISPOSITION

#03-48 Northwest Airlines, Inc. v. Ontario Aircraft Services, Inc., S113305, was dismissed and remanded to the Court of Appeal following notice of settlement of the action.

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